

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 27904 of 1996

Dated: 05.12.2006

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Between:

Sidda Narayana Rao.

..Petitioner.

and

Government of Andhra Pradesh, rep. By its Secretary, Department
of Industries, Hyderabad and others.

..Respondents.

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ORDER

The petitioner was appointed as Seasonal Mazdoor in the 3rd respondent-Thandav Cooperative Sugars Limited on 01.01.1972. Thereafter, he was promoted as Seasonal Store Boy on 17.12.1984 and continued as such till he attained the age of superannuation. The petitioner states that at the time of his joining into service his date of birth was recorded as 01.01.1937, which is not correct, and according to him his correct date of birth is 17.12.1939 as per the School Certificate issued by the Head Master. Therefore, he made a representation requesting the respondents to continue him in service till 1999 by correcting his date of birth. But, no orders thereon have been passed by the respondents. Meanwhile, based on the date of birth, wrongly entered in his service register, as 01.01.1937, the 3rd respondent issued Retirement Notification dated 12.12.1996, retiring him from service with effect from 31.12.1996. Assailing the said retirement notification, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that the

correct date of birth of the petitioner, as reflected in the school records, is 17.12.1939, but at the time of joining into service, his date of birth of was wrongly noted as 01.01.1937, and based on the said wrong entry, the respondents have issued Retirement Notification dated 12.12.1996, retiring the petitioner from service with effect from 31.12.1996, which is illegal and arbitrary.

On the other hand, the learned Standing Counsel for the respondent, reiterating the counter averments, submits that based on the own declaration of date of birth given by the petitioner in the Provident Fund Register at the time of joining into service, his date of birth was entered as 01.01.1937, and based on the said date of birth, the petitioner was retired from service with effect from 31.12.1996, and no exception can be taken thereto. He further submits that pursuant to his retirement, the petitioner was paid all the retrial benefits.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents, and perused the material on record.

Admittedly, the petitioner at the time of his joining into service on 01.01.1972 declared in the Provident Fund Register that his age was 35 years as on that date and based on the said declaration, his date of birth was entered as 01.01.1937 in his service register. Thereafter he continued in service for about 24 years i.e., from 1972 till he attained the age of superannuation in the year 1996 without taking any objection with regard to his date of birth. Only after his retirement he raised an objection that his date of birth is 17.12.1939, as reflected in the School Certificate,

and not 01.01.1937 as recorded in the service register. If really the date of birth, as mentioned in the Service Register was wrong, nothing prevented the petitioner from filling his correct date of birth during his entire service period. Further, the School Certificate issued by the Head Master, S.R. Government High School, Tuni, based on which the petitioner seeks correction of his date of birth and continuance in service, is not based on any authentic extract or any other original records of the School, but the same was issued by the Head Master on a plain paper. Based on such certificate, the action of the 3rd respondent in refusing to correct the date of birth of the petitioner, as reflected therein, cannot be faulted, and more so when it is settled law that an employee at the fag end of his service cannot seek change of his date of birth.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 05.12.2006

sj/nsr